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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JACKIE ROBINSON,

Defendant and Appellant.

D037878

(Super. Ct. No. SCD153907)

APPEAL from a judgment of the Superior Court of San Diego County, Judith F. Hayes, Judge. Affirmed.

After the court denied a motion to dismiss for failure to provide a speedy trial and a *Marsden*¹ motion, Jackie Robinson waived his right to raise on appeal issues regarding priors and a sentence within the terms of the plea agreement (a maximum life term) and entered a guilty plea to failing to register as a sex offender. (Pen. Code, § 290, subd.

¹ *People v. Marsden* (1970) 2 Cal.3d 118.

(g)(2).)² He admitted three prior strikes (§§ 667, subds. (b)-(i), 668, 1170.12) and two prior prison terms (§ 667.5, subd. (b)). The court struck two prior strikes and the prior prison term enhancements and sentenced him to a term of 32 months: double the 16-month lower term for failing to register as a sex offender with a prior strike. The court awarded 409 days' credit for time served: 273 actual days and 186 days' section 4019 credit. Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738 counsel refers to as possible but not arguable issues: (1) whether Robinson's waiver of appeal rights was valid; (2) whether the trial court erred in denying the motion to dismiss for violation of the right to a speedy trial; (3) whether Robinson's guilty plea is constitutionally valid; (4) whether the trial court erred in not reducing the crime to a misdemeanor pursuant to section 17, subdivision (b); and (5) whether the court accurately awarded credit for time served.³

We granted Robinson permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386

² All statutory references are to the Penal Code.

³ Because Robinson entered a guilty plea, he cannot challenge the facts underlying the conviction. (§ 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693; *People v. Jackson* (1985) 37 Cal.3d 826, 836, overruled on other grounds as recognized in *People v. Burton* (1989) 48 Cal.3d 843, 863.) We need not recite the facts.

U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Robinson on this appeal.

DISPOSITION

Judgment affirmed.

HUFFMAN, J.

WE CONCUR:

KREMER, P. J.

O'ROURKE, J.